

COMMISSION ON JUDICIAL PERFORMANCE  
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FOR RELEASE  
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JUDICIAL PERFORMANCE COMMISSION INSTITUTES FORMAL  
PROCEEDINGS CONCERNING JUDGE ROBERT B. FREEDMAN

The Commission on Judicial Performance has instituted formal proceedings to inquire into matters concerning Judge Robert B. Freedman of the Alameda County Superior Court. The commencement of formal proceedings is not a determination of judicial misconduct. The formal proceedings concern allegations that the judge (1) between 2000 through 2004, delayed in issuing decisions in twenty matters; (2) at various points during that period of time, executed state and county salary affidavits while he had submitted matters pending and undetermined before him for more than 90 days; and (3) during the first half of 2004, while he was the supervising judge in Hayward, failed to act within applicable deadlines on over 200 fee waiver applications in civil and family law matters. It is alleged that these actions constitute willful misconduct in office, conduct prejudicial to the administration of justice that brings the judicial office into disrepute and improper action.

In accordance with the rules that govern Commission proceedings, a hearing will be conducted by Special Masters appointed by the Supreme Court. At the hearing, the parties can introduce evidence and examine and cross-examine witnesses. Judge Freedman is represented by attorneys Joseph P. McMonigle and Kathleen M. Ewins of Long & Levit LLP in San Francisco.

The Special Masters will provide the Commission a report containing findings as to the charges. The parties can then present the Commission their views on the report through briefing and argument. If the Commission determines charges are proved by clear and convincing evidence, it can remove, censure, publicly admonish, or privately discipline the judge. Charges the Commission determines are not proved will be dismissed. A Commission determination is subject to discretionary review by the Supreme Court upon petition by the judge.

The Notice of Formal Proceedings is available for public inspection at the Commission office. A copy of the Notice of Formal Proceedings is also posted on the Commission's Web site at [www.cjp.ca.gov](http://www.cjp.ca.gov) (under "Press Releases"). Judge Freedman's Answer to the notice is presently due May 18, 2006. Upon filing, Judge Freedman's Answer will be made available for public inspection.

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The Commission is composed of three judges, two lawyers, and six public members. The Chairperson is Marshall B. Grossman, Esq., of Los Angeles, California.